

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Tadashi Okamoto
Serial No.: 10/518,559
Filed: December 21, 2004
For: Method Of Analyzing Substance On Substrate By Mass Spectrometry

Group Art Unit: 1634
Confirmation No. 8048
Examiner: BHAT, Narayan Kameshwar

ELECTION OF SPECIES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On May 17, 2007, the Examiner mailed a Communication stating that Applicant's Response to Restriction Requirement paper, filed Mar. 21, 2007, did not include an election of species. The Examiner sent an extendable one-month response period to make the required species election. The requirement to elect a species was originally made in an Office Action dated Feb. 21, 2007, which identifies the following patentably distinct species among the pending claims:

<u>Species</u>	<u>Description</u>
I	Formula I
II	Formula II
III	Formula III

In response, this paper provisionally elects to pursue prosecution of Species II. At least claims 1-11, 13-22 and 24-35 are believed to be encompassed by the elected species (of which at least claims 1-11, 13-15, 24, and 27-35 also read on the Group I invention that Applicant elected in the Mar. 21 Response to Restriction Requirement paper).

This election is made with traverse. For such a species-election requirement to be proper, “[t]here must be a serious burden on the examiner if restriction is not required.”

M.P.E.P. § 803. It is respectfully submitted that (1) all the pending claims are properly presented in the same application; (2) undue diverse searching should not be required to search for all three formulas; and (3) all claims should be examined together. For the foregoing reasons, the requirement to elect a single species for prosecution should be withdrawn and an action on the merits of all the claims drawn to the elected Group I invention should be issued.

Should the Election Requirement be made final, the right is expressly reserved to present any withdrawn claims in divisional application(s). In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5564.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: June 18, 2007

By: /Ankur Parekh/
Ankur P. Parekh
Registration No. 56,060

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile